

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SUIKENAH SHUROOQ ABASS
AL-MALI KI, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 1, 2005

Petitioner-Appellee,

v

SHUROOQ ABASS AL-MALI KI,

Respondent-Appellant.

No. 261926
Wayne Circuit Court
Family Division
LC No. 96-340849

Before: Gage, P.J., and Hoekstra and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to his minor child, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The court took jurisdiction over the minor child after she was discovered with bruises on her back and buttocks. Respondent acknowledged that he had slapped the child in the face and pushed her, but indicated it was because she was playing with the stove. He also admitted that he was aware that the minor child had unexplained bruises on her when she was in the care of his live-in girlfriend, Karla Alexander. The minor child showed signs of some type of movement disorder in that she exhibited very jerky movements that were more intense in situations that were new or which caused her to be fearful. After the minor child came into care, respondent continued a relationship with Alexander, but indicated that he had ended the relationship at the termination trial. At that time, he was living with another woman, a co-worker, and her three children. Respondent attended therapy and completed a parenting class, but the therapist did not feel that respondent was taking appropriate responsibility for what had happened to the minor child. Respondent visited with the minor child, but after these visits the minor child's problems would become more pronounced, she would be unable to walk or feed herself, and she was very fearful. It would take several days for these symptoms to subside after a visit, and there were occurrences of sexually acting-out behavior after visits. The child improved greatly after the visits were suspended. Her movement disorder was minimal, she was not fearful, and her speech and cognitive abilities improved dramatically.

The trial court did not clearly err in finding that the statutory grounds to terminate were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). As the trial court noted, respondent created the environment where the physical abuse had occurred, the minor child was emotionally unstable and developmentally delayed while in respondent's custody, and she did better when removed from that environment. The trial court's observation about the nexus between the behaviors and symptoms of the minor child and her visitations with respondent are also supported by clear and convincing evidence. Furthermore, although respondent was financially able to care for his child, his lack of investment in therapy and extra parenting classes indicated it was unlikely that he would be able to provide a fit home within a reasonable period of time.

Finally, the trial court did not clearly err in its best interests determination. MCL 712A.19b(5). The minor child had severe reactions when she visited with respondent and thrived once the visitation had stopped. The minor child needed stability and permanency as well as the opportunity to live in a situation in which she was not fearful.

Affirmed.

/s/ Hilda R. Gage
/s/ Joel P. Hoekstra
/s/ Christopher M. Murray